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FISCAL IMPACT STATEMENT

LS 7013

BILL NUMBER: HB 1334

NOTE PREPARED: Jan 16, 2006

BILL AMENDED:

SUBJECT: State Police Funding.

FIRST AUTHOR: Rep. Messer

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill has the following provisions:

- A. *Public Service Fee and the State Police Building Fund* It increases the service fee for automobile license registration from \$0.25 per vehicle to \$3, and provides that the increased funds are deposited into the State Police Building Fund.
- B. It gives the Superintendent of the State Police Department, with the approval of the State Police Board, authority to set fees for accident reports, firearms transactions, and criminal history checks by rule. It provides that the fees must cover the costs of administering the programs.
- C. It provides that the fees may exceed the amount needed to cover costs if the Superintendent determines that additional money is needed for programs related to accident reports, firearms programs, and criminal history checks.
- D. It creates the State Police Department Firearm Fund and the State Police Department Criminal History Check Fund, and appropriates money in the funds.
- E. *DNA Fee* – The bill requires courts to require local authorities to collect DNA samples in certain situations. It increases the court fee for DNA processing from \$1 to \$2.

Effective Date: Upon passage.

Explanation of State Expenditures: *National Fingerprint-Based Criminal History Checks:* Allowing the State Police (ISP) superintendent to increase the fee for criminal history checks would increase expenditures for state agencies that are required to conduct national fingerprint-based criminal history checks under various provisions of the law. For example, the Department of Child Services (DCS) is required to conduct a national fingerprint-based criminal history check for all persons residing in a home before placing a Child in Need of

Services (CHINS) in a relative out-of-home placement.

Explanation of State Revenues: This bill would increase a series of fees that are charged by the ISP or by trial courts with criminal jurisdiction for a variety of purposes. This bill would also create the State Police Department Criminal History Check Fund to provide money to ISP for programs relating to criminal history checks. The Fund consists of: appropriations made by the General Assembly, deposited fees, grants, and gifts. The Fund is to be administered by the ISP. Expenses of administering the Fund shall be paid from money in the Fund. Money in the Fund does not revert to the state General Fund at the end of the state fiscal year. Any additional money that is generated by this fee that is in excess of operating costs would be deposited in the State Police Department Firearm Fund.

Public Service Fee and the State Police Building Fund – Under current law, a Public Service Fee of \$0.25 is charged on all vehicles registered in Indiana. Under current law, money from this Fund is limited to building and maintaining physical facilities for ISP.

Proposal - The bill provides that the Public Service Fee would be increased to \$3 beginning January 1, 2007. The Fund could also pay for:

- acquiring, equipping, and maintaining State Police vehicles and
- purchasing services, commodities, and equipment that the State Police Superintendent considers to be essential to the needs of the ISP.

Revenue Implications - The added fee of \$2.75 is estimated to generate \$16.5 M in new revenue assuming approximately 6 million registered vehicles in Indiana.

Accident Report Fee – The current fee for furnishing a copy of an accident report by either ISP or a local law enforcement agency is \$3.

Proposal - This bill would allow the Superintendent of the State Police, with permission of the State Police Board, to set the fee by rule.

Revenue Implications - Assuming that the State Police furnish 30,000 accident reports per year, each \$1 increase will generate an additional \$30,000 in revenue. This revenue is deposited in the Accident Report Account.

Firearms License Fees – The current fees for firearm permits are \$5 for hunting and target practice licenses (qualified licenses) and \$15 for unlimited use.

Proposal - This bill would allow the ISP Superintendent, with permission of the State Police Board, to set the fee by rule. The fee level would have to be sufficient to cover the costs of issuing the license. Any added revenue above the amount needed to finance the operations of the Firearms License Section would be deposited in the State Police Department Firearm Fund.

Revenue Implications - These fees currently generate \$1.0 M. per year for the state General Fund. A \$1 fee increase would generate about \$69,000, based on an average of 69,000 licenses issued annually.

National Fingerprint-Based Criminal History Checks – A national fingerprint-based criminal history check refers to information obtained from the Federal Bureau of Investigation criminal history record system. The

information is based on fingerprint identification or any other method of positive identification. Under current law, ISP may charge \$39 for checking fingerprints against a national data bank. Of the \$39, \$24 is deposited with the Federal Bureau of Investigation and \$15 is deposited in the state General Fund. This \$15 fee is set by state statute, and the \$24 fee is set by the federal government.

Proposal - This bill allows the Superintendent of the ISP to: (a) set the national fingerprint-based criminal history check fee at an amount which is sufficient to cover the costs of conducting a national fingerprint-based criminal history check, and (b) if the Superintendent has determined that additional funds are needed by the ISP to operate the criminal history check program, to set the fee in an amount that exceeds the amount set under (a) that is sufficient to cover the costs of the criminal history check program. Money collected which exceeds the costs under (a) would be deposited in the Criminal History Check Fund.

Revenue Implications - The ISP conducted 16,348 (9,496 for non-law enforcement agencies and 6,852 for law enforcement agencies) national fingerprint-based criminal history checks in CY 2004. Increases in revenue from fees would be dependent on the number of national fingerprint-based criminal history checks requested and the amount at which the fee is set by the Superintendent. If the fee were raised \$1, the state would collect approximately \$9,496 in additional revenue since law enforcement agencies are not required to pay state criminal history check fees.

Limited Criminal History/National Name-Based Checks – A limited criminal history check includes: information pertaining to any Indiana arrest or criminal charge which included a disposition, and information about any Indiana arrest or criminal charge that occurred less than one year before the date of a request regardless of whether a disposition was entered. A limited criminal history check is conducted by using a person's name and birth date and does not require fingerprint identification.

Under current law, ISP can charge for limited criminal history searched:

- \$16 for persons who do not subscribe to AccessIndiana;
- \$15 for AccessIndiana subscribers (there is an annual \$50 subscription fee);
- \$7 to government agencies and partially exempt entities; and
- \$7 by mail.

Proposal – The bill allows the Superintendent of the ISP to set the limited criminal history check fee at an amount which is sufficient to cover the costs of conducting a limited criminal history check, and if the Superintendent determines that additional funds are needed by the ISP to operate the criminal history check program, set the fee in an amount that exceeds the amount that is sufficient to cover the costs of the criminal history check program. Money collected which exceeds the costs would be deposited in the Criminal History Check Fund.

Revenue Implications – The ISP conducted 446,152 limited criminal history background checks (432,240 for non-law enforcement agencies and 13,912 for law enforcement agencies) in CY 2004. If the fee were raised \$1, the state would collect approximately \$432,240 in additional revenue since law enforcement agencies are not required to pay state criminal history data request fees.

Background on Criminal History Check Data Bases:

Criminal History Check Data Bases					
<u>Type of</u>	<u>Authorized Use</u>	<u>Based on</u>	<u>Scope</u>	<u>Data Base</u>	<u>Fee</u>
Limited Criminal History	Employment, license applicant, public office candidate, law enforcement, personal requests, others	Name and birth date	Indiana	Criminal History Report Information System (ISP)	By mail – \$7 By online request – \$15 or \$16; \$7 if government agencies or tax exempt organizations
National Fingerprint-Based	License application for taxicab driver and massage therapist; out-of-home placement for children; law enforcement	Fingerprints and name	50 states	National Crime Information Center (FBI)	\$39 nongovernmental \$24 local and state law enforcement agencies
National Name-Based	Exclusively used by law enforcement when checking suspects	Name and birth date	50 states	Interstate Identification Index (FBI)	no charge to law enforcement agencies

DNA Processing Fee – Under current law, a \$1 DNA fee is charged against persons convicted of crimes, infractions, ordinance violations, juveniles who have been convicted, and persons participating in pretrial diversion programs. The fee is deposited in the state General Fund. Twice a year, \$334,739 is deposited in the DNA Sample Processing Fund.

Proposal – The bill provides that the DNA fee would be increased by \$1.

Revenue Implication – The added revenue from increasing this fee by \$1 is estimated to generate new revenue of almost \$667,000. Proceeds from this fee would be deposited into the state General Fund.

Estimated Revenues Generated From a \$1 DNA Sample Fee			
	<u>Trial Courts</u>	<u>City and Town Courts</u>	<u>Total</u>
Felonies and Misdemeanors	\$52,295	\$21,752	\$74,047
Paying Pretrial Diversion Fee	\$15,004	\$6,950	\$21,954
Infractions	\$365,091	\$127,042	\$492,133
Ordinance Violations	\$51,385	\$14,150	\$65,535
Juvenile Cases	<u>\$14,006</u>	<u>\$0</u>	<u>\$14,006</u>
Totals	\$497,781	\$169,894	\$667,675

Explanation of Local Expenditures: *Criminal History Fees* – Juvenile courts could be affected by any fee increases for criminal history checks when juveniles are placed in an out-of-home placement.

DNA Samples – This bill would require the sentencing court to issue an order for persons subject to a DNA sample collection to report for processing by the local authorities when necessary. Under IC 10-13-6-10, a person who is convicted of a felony is required to submit a blood sample to either the Department of Correction or the county sheriff if the offender is placed in the county jail, a community corrections program, or on probation. This section would not require any new mandates.

Explanation of Local Revenues:

State Agencies Affected: Indiana State Police.

Local Agencies Affected: County sheriff.

Information Sources: *2004 Indiana Judicial Report; Indiana Handbook on Taxes, Revenues and Appropriations; Indiana State Police; 2004 Indiana State Police Annual Report.*

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